



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 9902713

**Applicant Name:** Tonkin/Hoyne/Lokan for Gary Hall

**Address of Proposal:** 7322 Rainier Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of five, three to four story, multi-family structures (41 total units), with parking for 55 vehicles. The project includes grading of approximately 11,000 cubic yards of material (10,000 cut and 1,000 fill).

The following approvals are required:

**SEPA - Environmental Determination** (Seattle Municipal Code Chapter 25.05).

**Design Review** (Chapter 23.41. SMC).

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

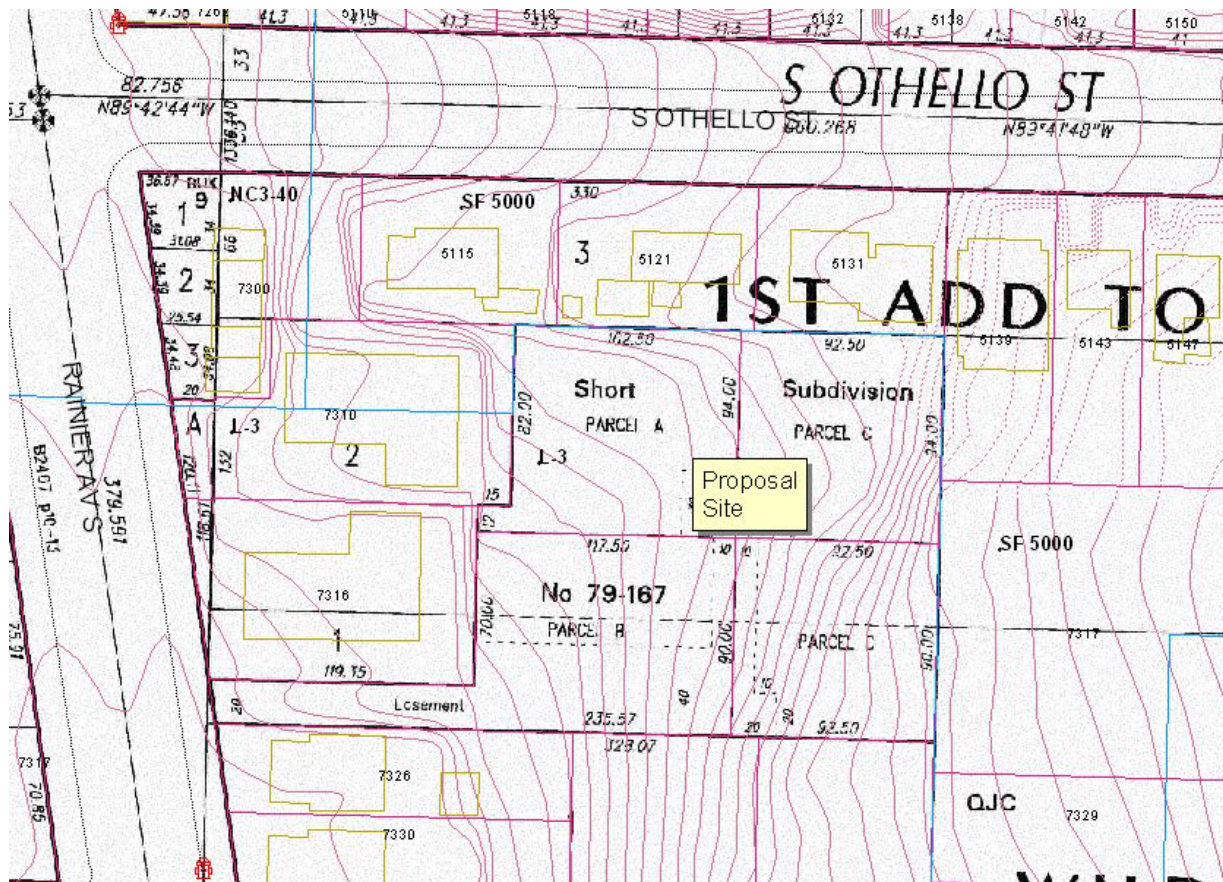
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
   involving another agency with jurisdiction.

**BACKGROUND DATA**

Site and Vicinity Description

The proposal site is zoned L3 (Lowrise Three Multi-family). The site is shaped like a very large “flag lot” in that it is located interior to a block with a narrow connection to a public street (see graphic below). The site has a 20 foot wide connection in fee simple to Rainier Ave. S. and an easement across the property to the north of the access “flag pole” of an additional 20 feet in width, the total of which is to be used for access to the proposal site, to the abutting property to the north.



Properties along Rainier Ave. S. and adjacent to the site are also zoned L-3 and are in multi-family use. North of the site, facing on S. Othello St., and east of the site, facing onto Seward Park Ave. S., are single family uses in a SF 5000 zone.

The site is undeveloped and covered with bushes and small trees. Topography slopes gradually from west to east rising approximately 36 feet across the “buildable” area interior to the site. The site was the subject of a short subdivision in 1979 and would be re-combined into a single parcel upon issuance of building permits for the proposed project.

### Project Description

The proposal consists of five buildings (two of which are actually on a common parking structure) located around a common vehicle access, surface parking and fire truck turn around area. Each building is three stories tall and contains townhouse units. There are also four

“basement level” apartment units, three of which are designed as accessible units. Proposed are a total of 41 residential units and on-site parking for 55 vehicles. Access for both pedestrians and vehicles for this “flag shaped” parcel is from Rainier Ave. S. through a combination width of twenty feet of parcel and another twenty feet of easement. Most of the parking is within parking structures beneath proposed residential structures and plazas between them. Ten parking spaces would be incorporated into internal driveways, which also serve as a hammerhead turn around for fire department vehicles.

The buildings as proposed have a markedly residential appearance with pitched roofs, dormers, porches, and individual front doors onto common patios and walkways. Exterior finish materials consist of cedar shakes and cementitious horizontal siding. Exposed concrete walls of the common parking garages are scored with visually interesting patterns and have planters incorporated into them to provide screening. Colors are differentiated between buildings and on individual buildings to emphasize particular elements. Open space is fairly evenly distributed throughout the project with moderately sized yards provided around each building in a departure from the larger code mandated rear setback and smaller side setback pattern.

Pedestrian access from Rainier Ave. S. is provided along a four-foot wide sidewalk in an eight foot wide corridor (narrowed somewhat by a retaining wall) of otherwise landscaped space. A vertical element will express the entry for both pedestrians and vehicles at the Rainier Ave. S. right-of-way. Lighting along the path will consist of pedestrian level lights. Uplighting of “specimen trees” planted in the courtyards will be combined with pedestrian level and porch lighting.

With the exception of the area of easement shared with the existing apartment building on Rainier just north of the property, the entire site will be surrounded by a new wooden fence built as part of the proposed development, and, in some areas, elements of concrete retaining walls. Lighting throughout the site is proposed to be down lighting, shielded from adjacent sites. Varying shades of color in roof materials between buildings may also be used.

### Public Comments

The public comment period for this application ran through August 1, 2001. Three written comment letters were received. In addition, the first public design review meeting was well attended and extensive public comment was received. Some comment was supportive of the project as an appropriate design for new multi-family housing in the area. Concern was expressed about added traffic and related safety impacts, especially on Rainier Ave. S. in front of the proposal site. On-street parking in the residential area near the site was said to be congested and concern was expressed that spill-over parking from the proposal would cause unreasonable parking impacts in the area. Concern about impacts of new development along the rear property lines of adjacent single family residences was expressed, including concern about damaging large trees on adjacent sites which are close to the site property lines. An interest in as large a set back as possible along property adjacent to other properties was expressed.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated April 18, 2001, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans, parking analysis), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

### **Short - Term Impacts**

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### **Noise**

Grading and construction activities involved in construction of the proposed activities are expected to involve equipment creating sound types and at high enough sound levels to be disruptive to the immediately adjacent residential uses. In particular, earth grading equipment

and equipment used in pouring concrete is of a kind which, if conducted outside of “normal” construction hours or on weekends would be unreasonably disruptive.

Therefore, it is necessary to condition this project to require that the use of powered grading, digging, and soils transportation equipment and of powered equipment used in connection with concrete installation/pouring during construction of the project to be limited to weekdays between the hours of 7:00 a.m. and 5:00 p.m. and to Saturdays between 9:00 a.m. and 4:00 p.m. This limitation may be waived by DCLU in situations where construction related emergencies or overriding scheduling necessities mandate it.

### Long - Term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant because the impacts are minor in scope.

The potentially most substantial long-term impacts are on parking and traffic and additional consideration of these is warranted.

### Parking

Public comment alerted DCLU to the potential of on-street parking congestion in the area of the proposal site. The applicant expressed resistance to increasing the amount of parking to be provided on the site to more than the 55 spaces provided. The highest parking demand ever established by DCLU for multi-family uses is 1.5 spaces per unit. Proposed is 1.34 spaces per unit. At the request of DCLU the applicant commissioned a parking study which was conducted by the Transportation Group and dated October 2001. That study, found in the DCLU file, determined that weeknight on-street parking utilization (at 9:00 p.m.) within approximately 800 feet of the proposal site is at 46.3% with 115 out of 214 spaces available.

The Institute of Transportation Engineers estimates, based upon surveys of other, existing multi-family projects, that the subject proposal would generate a demand of between 46 and fifty parking spaces. Using the DCLU ceiling of 1.5 spaces per unit leads to a peak demand of 62 spaces. The project proposes to provide 55 parking spaces. Even the DCLU worst case number proves accurate, on-street capacity for the seven cars which would not fit on site is available in the immediate area.

No SEPA policy based conditions of on-street parking impacts appears warranted.

### Traffic and Transportation

The proposal site with 41 projected residential units using a driveway access onto Rainier Ave. S. is not expected to cause any noticeable impact on the level of service provided by the

roadway. The capacity of the four lane arterial is so great in comparison to the number of vehicle trips to be added. The most problematic traffic movement would be a southbound on Rainier Ave. S. left turn into the site. Because there are two southbound lanes on Rainier and the driveway is mid-block, it is expected that traffic will continue to move past the site at an acceptable pace.

Therefore, no SEPA based mitigation of traffic impacts is warranted.

#### Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Air Pollution Control Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

#### **DESIGN REVIEW BOARD DESIGN PRIORITIES**

On June 22, 1999, the Design Review Board for the proposal area met in a pre-design public meeting to consider the site and the objectives of the applicant. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comments, the Design Review Board members provided the siting and design guidelines described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to the project. The recommendations made were agreed to by all four of the Board members present, unless otherwise noted.

- A-1    Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.**
- A-3    Entrances Visible from the Street - Entries should be clearly identifiable and visible from the street.**
- D-1    Pedestrian Open Spaces and Entrances - Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

The subject site is unusual in that it constitutes a large, approximately 300' by 600', interior portion of a lot connected to Rainier Ave. S. by a 20' wide portion which is approximately 300 feet long. It is, in effect, a very large, L-3 multifamily zoned "flag lot." The connection to Rainier Ave. S. is planned to be joined with a 20' easement for a combined width of 40' in an arrangement which will combine site access with the access to, and some parallel parking for, an existing multifamily building of an adjoining site. To the north four single family structures are close to the subject site property line. To the east extensive single family back yards back up to the subject site. Topography rises moderately from west to east.

The project must respond to its site by providing an attractive entry from Rainier Ave. S. which functions both for vehicles and pedestrians. The pedestrians should have their own sidewalk, separated from the automobile path. Landscaping and materials should be used to provide an attractive area, both safe and inviting. Amenities, such as poles, trellises, benches, fences, pavers, trees, bushes, curbs or other features are among the measures which could be employed.

Placement of the planned buildings on the site should balance the objectives of equitable distribution of ground level open space with respect for the adjacent residential properties through provision of setbacks. There is a relation between setback distance and structure height and bulk such that the greater the latter is, the greater the former needs to be. Spaces interior to the site need to be designed to be useful for residents for other than just automobile driving and parking, but also for pedestrian travel, play, and gardening activities. The project should be designed in a way that draws residents into common spaces.

The impact of driveways and parking areas on pedestrian spaces and the pedestrian friendly experience of the project need to be controlled and minimized.

Two pedestrian entries (a second by sidewalk by easement between single residences to the north) should be explored. The proponents indicated that this may be a possibility. While a second entry may be a benefit to residents of the project, providing a pedestrian path to the quieter Othello Ave. S. and a potential emergency exit, impacts upon the privacy and security of neighboring residences would have to be controlled.

Landscaping around the perimeter should be of moderate height and incorporate trees which will have a 15' to 20' height at maturity.

**A-7    Residential Open Space - Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The proposal, as presented, is designed as a lowrise, ground-related, garden community. As such a key ingredient to its success as a project will be the design of the internal spaces as well as that of the structures themselves. Great care and creativity needs to be applied to design a detailed open space and landscape plan. A common play area for young children should be incorporated. The size of the area within the project devoted to automobiles should be minimized in a way which provides necessary vehicular paths, but incorporates measures to beautify it and provide as much area as possible for use as a common area for residents.

**C-1    Architectural Context - New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

**C-4    Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

This ground related project, with ample open spaces, should be designed to pick up cues from surrounding single family areas. Features which should be strongly considered include: pitched roofs; horizontal siding; front porches; and detailed window trim. A variety of design between units, each lending some amount of distinction, should also be incorporated. Some amounts of masonry and/or stone with "hardi-plank" would be appropriate.

**C-3    Human Scale - The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

It is important to the success of the project in the long term that the internal spaces be used as a daily element in the lives of the residents. Features to encourage human activity, such as porches, steps, wide walks with sitting areas, a children's play area, and other features the architect is challenged to devise, need to be incorporated into the project.

**C-5    Structured Parking Entrances - The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

**D-5    Visual Impacts of Parking Structures - The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of**



**the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

A stated project objective is to incorporate a partially under-structure and partially underground parking structure with a single vehicle entry and some amount of exposed wall running from the southernmost extent of the southernmost structure under each of structures to the north wall of the northernmost structure. This presents some design challenges. The entry to this garage should incorporate a self closing door and otherwise be designed to minimize its impact on the internal space. The wall should be minimized to the greatest extent possible and measures should be incorporated (e.g. surface treatment, articulation, planters, etc.) to minimize the impact of any garage wall and transform it into an architectural asset.

**D-3    Retaining Walls - Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.**

Retaining walls within the project should get this same consideration in order to avoid negative impacts on the pedestrian experience.

**D-6    Screening of Dumpsters, Utilities and Service Areas - Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters can not be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

There should be at least three trash locations within such a large project area. These need to be screened from view, located away from residential windows and include room for recycling and trash receptacles.

**D-7    Personal Safety and Security - Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

Safety and security are important elements to be included. Lighting throughout the project area needs to be bright enough and complete enough to provide security without resorting to high intensity lights or lights on tall poles. The lighting design needs to be developed for presentation at the recommendation meeting of the Board and should provide an attractive effect without being intrusive or glaring, especially within surrounding residences. The pedestrian path(s) into the project present a particular security issue because they must be well lighted while in close proximity to surrounding properties and structures, they must be well landscaped without providing hiding places for potential criminals, and they must provide an attractive entry statement to the project site.

A wooden fence should surround the property to the greatest extent possible.

Entries to the garages, both for pedestrians and for vehicles need to be designed to be both safe and secure.

#### Development Standard Departures

The applicant requested the Board to give preliminary consideration to two development standard departures: to reduce the rear setback on the site, and to exceed the structure width resulting from placement of three individual, ground related, buildings across the northern portion of the site.

The Board indicated an initial unwillingness to reduce the rear setback requirement for the site and challenged the applicant to show a design benefit from such a reduction which would not be a detriment to surrounding properties.

Initial support was indicated for a departure to allow slightly more than the required structure depth to help in the creation of a ground related development pattern, but wondered if, without the structure depth departure, it would be necessary.

#### **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board met again on June 26, 2001, to review the proposal as redesigned in response to identified design priorities. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions and departures, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended **approval of the subject design and design departures** mentioned below as revised with the following **recommended conditions** (all recommendations were by all three members in attendance agreeing, unless otherwise indicated. In addition, the authority for the recommended condition is provided by the Design Review guideline(s) referred to by letter and number in parentheses after the recommendation). The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the June 26, 2001 meeting.

#### The Board Recommended Approval of the Following Departures

1. **Modulation:** To allow reduction in the dimension of modulations provided 24 inches on the entry sides and ends of buildings and 18 inches on non-entry sides of the buildings rather than four feet in depth and to accomplish much of the objective of modulation, to add visual interest and reduce the appearance of bulk and scale, through the use of bay windows, porches and dormers as shown in the drawings shown at the June 26, 2001 meeting and in the plans on file at DCLU as of the date of that meeting.
2. **Building Depth:** To allow an increase in building depth to allow the buildings along the north and south property lines to exceed the maximum lot depth limits, as necessary, to extend up to 80% of the distance as measured along those property lines.

3. **Building Width:** To allow Building One to reach 127 feet three inches in width.
4. **Rear Setback:** To allow reduction of the required 25 foot rear setback to 15 feet in most areas and to 13 feet of areas where there are two feet deep, full height projections.

### **ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DCLU has reviewed the recommendations of the three Design Review Board members present at the Design Review meetings and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the proposed **design is approved** as presented in the official plan sets on file with DCLU as of the June 26, 2001 Design Review Board meeting and the recommended **development standard departures** described above are **approved**, with the Board's recommended design **conditions**, enumerated above.

### **CONDITIONS - SEPA**

1. The use of powered grading, digging, and soils transportation equipment and of powered equipment used in connection with concrete installation/pouring during construction of the project shall be limited to weekdays between the hours of 7:00 a.m. and 5:00 p.m. and to Saturdays between 9:00 a.m. and 4:00 p.m. This limitation may be waived by DCLU in situations where construction related emergencies or overriding scheduling necessities mandate it.

### **CONDITIONS - DESIGN REVIEW**

1. The high quality design, landscaping and of materials proposed at the June 26, 2001 meeting shall be incorporated, substantially as shown at the meeting, in the buildings as constructed. These materials include cementitious lap siding, shake walls, concrete base elements with prominent score lines, and varying color treatments, both of facades and of roofs, giving two-unit combinations an individual building expression. (C-1, C-4)
2. Internal sidewalk crossings of driveways shall be given distinctive concrete texture and color treatment.
3. The project's entry point, both for vehicles and pedestrians, at Rainier Ave. S. shall be marked by a large vertical structural element on the south side. This element shall be accomplished in a way which is sufficient to signify the entry.

4. The small windows into the garage presented on the materials shown to the Design Review Board should instead be with high quality open grating.
5. Exterior lights shall be shielded from neighboring properties.
6. Courtyard surface materials shall be differentiated through the use of pavers and scored paving.
7. A wood fence at least six feet in height shall be constructed around the perimeter of the property line except in the area of shared vehicle easement along the driveway entry to the site.
8. The rear (eastern) setback shall be planted with eight mature trees which are tall enough to screen the upper story windows as seen from properties to the east.
9. All trees on adjacent properties which reach over site property lines shall protected, during construction and permanently, by maintaining the soil level and not disturbing all area within their natural drip lines.

Signature: \_\_\_\_\_ (signature on file) Date: August 25, 2003  
Senior Land Use Planner  
Department of Design, Construction and Land Use

SK:me